

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

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31

June 21, 1993

Ms. Karla Johnson, RPM
U.S. Environmental Protection Agency
Region 5 HSRW-6-J
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Ms. Johnson:

I received a copy of the draft Proposed Plan for the Hi-Mill Manufacturing Site on June 9, 1993, with your requested comments by June 18, 1993. As you know, the Michigan Department of Natural Resources (MDNR) does not support the validity of nor conclusions drawn from the Final Baseline Risk Assessments for Human Health and Environmental Evaluation (Risk Assessment) and the draft Feasibility Study. I have attached a copy of MDNR's May 10, 1993, letter regarding this issue for reference. In addition, subsequent to that letter, MDNR submitted specific comments on the draft Feasibility Study.

MDNR's position remains that there exists significant environmental contamination at the Hi-Mill site that should be remedied. As MDNR maintained in our May 10 letter, the full extent of risk both present and future has not been accurately evaluated in the risk assessment. In spite of the problems with the risk assessment, risk was shown to exist from the contamination that was acknowledged and evaluated. However, US EPA has elected to dismiss even this degree of risk as "implausible".

The alternative proposed in the draft Proposed Plan does nothing to clean up the existing contamination. MDNR does not agree that merely monitoring the plume or plumes of groundwater contamination are adequate actions for the level of contamination at the Hi-Mill site. In fact, we feel that the monitoring alternative will simply delay an eventual environmental clean up, and in so doing, the scope of that clean up will increase. MDNR feels the appropriate alternative at this time is to address the existing known groundwater contamination and prevent further migration. Once the known contamination in the shallow ground water has been addressed, a program for monitoring the intermediate aquifer and surface water in case additional contamination may enter the intermediate aquifer and/or nearby surface waters would be reasonable.

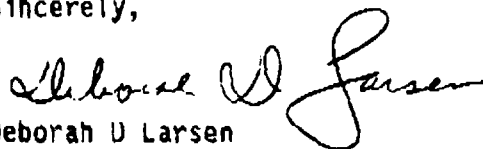
Ms. Karla Johnson

-2-

June 21, 1993

For the reasons stated above, MDNR cannot support the draft Proposed Plan. MDNR would like to have further discussion between our agency and US EPA in an effort to reach agreement on an appropriate action at the Hi-Mili site.

Sincerely,



Deborah D Larsen
Superfund Section
Environmental Response Division
517-373-4825

Attachment

cc: Southeast Mich District NORTH Supervisor
Mr. Charles Graff, MDNR
Mr. William Bradford, MDNR
Dr. George Carpenter, MDNR
file

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

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May 10, 1993

Ms. Karla Johnson, RPM
U.S. EPA, Region 5 HSRW-6-J
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Ms. Johnson:

The Michigan Department of Natural Resources (MDNR) has reviewed the Draft Feasibility Study Report (FS) for HiMill Manufacturing Company as well as the Final Baseline Risk Assessment Reports for Human Health and Environmental Evaluation (Risk Assessment). MDNR cannot support the validity of these documents and the conclusions drawn from them because they do not fully recognize and evaluate the complete extent of environmental contamination known to exist at and around this site. It is the State's position that there is significant shallow ground water contamination whose migration must be arrested and remediated, that contamination of the deeper aquifers and surface waters is imminent, if not already present, and that future investigation and remediation of on-site source areas including soils must be further considered.

The Risk Assessment is inherently flawed because the existence of the volatile organic contamination in the median of M-59 and beyond is not acknowledged or evaluated. The explanation given by U.S. EPA officials upon inquiry by MDNR was that the data could not be considered because the data had not been subjected to the Contract Laboratory Program (CLP) validation process. MDNR's position at the time this data gap became apparent, and now, is that the assessment of risk to both human health and the natural resources of the State cannot be measured accurately without acknowledgement and consideration of the actual site conditions. Prior to the risk assessment, the hand-auger data collected from samples in the median of M-59 (median data) could and should have been subjected to the validation process so that it could have been incorporated into the risk assessment. It still should be.

Also related to the risk assessment, the Michigan Environmental Response Act stipulates that carcinogens be remediated based on a risk assessment level of 10^{-6} , not, 10^{-4} as stated in the risk assessment and FS.

MDNR maintains the same position that they have throughout the RI/FS process: Specifically, that the environmental fate, including all migration pathways, of the organic contamination must be determined before the risk or future risk can be measured. Given the existing data, MDNR must reject the position that

Ms. Karla Johnson

-2-

May 10, 1993

there is no environmental risk from contamination from the HiMill Manufacturing Company. Public Act 307 of 1982, as amended, the Michigan Environmental Response Act expressly stipulates that all remedial actions shall be protective of the public health, safety, and welfare and the environment and natural resources. The contaminant plume or plumes emanating from the HiMill Manufacturing facility has contaminated the environment and natural resources of the State. The extent of contamination has not been determined by the RI/FS. However, there is no doubt that the extent of contamination will increase in scope and severity if no action is taken to remediate the contamination. MDNR specialists have assessed the site conditions and believe that two types of contaminant migration are likely occurring: First, examination of the complex geology in the area of the M-59 median reveals that there is very likely a surface water discharge to the west of M-59 into the Alderman Lake wetland and watershed. Second, ground water migration, vertically and/or laterally, is occurring, and left unremedied will ultimately migrate into deeper saturated zones. To have the contamination merely monitored as proposed by the Feasibility Study and not remedied would violate Michigan R299.5705(6). Michigan Attorney General ex rel Michigan Natural Resources Commission et al versus Lake States Wood Preserving, Inc. Court of Appeals docket No. 140652 decided April 6, 1993.

Another major flaw of the FS report is the absence of the Applicable or Relevant and Appropriate Requirements (ARARs) for the HiMill site. HiMill cannot simply state that the ARARs are being met. The ARARs must be specifically identified and a demonstration of compliance with each ARAR must be made. The one ARAR that is specifically identified in the FS-Michigan Act 307 has been inaccurately interpreted. On page 2-40 of the FS in the first paragraph, the report states that Michigan Act 307 Type B criteria for ground-water are inapplicable. This is not true. If it could be demonstrated that the shallow ground-water does not migrate into a useable aquifer the applicable Type B criteria for ground water would be numbers that are site specifically generated pursuant to Act No. 245 of the Public Acts of 1929, as amended, the Water Resources Commission Act. These numbers would be reflective of the type of discharge-surface water vs ground water degradation that is/are applicable.

In conclusion, the MDNR cannot support the remedy selected in the FS which would do no more than monitor the continuation of contaminant migration. We feel that we have compromised by considering a phased remedial approach consisting of arresting and remediating the ground water contaminant plume with an interim remedy immediately and following this interim response with further discussions relative to contaminated site soils and site contaminant sources.

The extensive FS-specific comments MDNR generated from review of the FS are not included in this submittal pending further anticipated discussions with US EPA regarding remedy selection for the HiMill Manufacturing site. I expect additional comments will be generated by MDNR upon receipt and review of an ARAR package from the responsible party which, as we have discussed, was not included in the FS as anticipated.

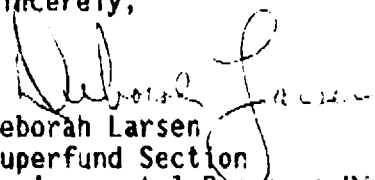
Ms. Karla Johnson

-3-

May 10, 1993

In light of the above position, I suggest that a conference call to further discuss the HiMill RI/FS might be a logical next step. I look forward to hearing from you.

Sincerely,



Deborah Larsen
Superfund Section
Environmental Response Division
517-373-4825

cc: Southeast Mich District NORTH Supervisor
Mr. James Heinzman, MDNR
Mr. Charles Graff, MDNR
Mr. William Bradford, MDNR
Mr. George Carpenter, MDNR
file

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL RESPONSE DIVISION
SUPERFUND SECTION
FAX TRANSMITTAL



PLEASE DELIVER TO:

NAME: Karla Johnson
COMPANY: US EPA
TELEPHONE NUMBER: 886 5993
FAX NUMBER: 312 353-5541

SENT BY:

NAME: Deborah Larsen
UNIT/TITLE: MDNR ERD Superfund Section
PHONE NUMBER: 517 373 4825
FAX NUMBER:
TODAY'S DATE: June 21, 1993

NOTE:

MDNR response to HiMill proposed plan

OF PAGES INCLUDING TRANSMITTAL SHEET: 6